



AGENDA ITEM NUMBER _____

Bernalillo County Board of County Commissioners

Meeting Date: November 23, 2004

Department: Zoning, Building, Planning & Environmental Health **Staff Contact:** Brennon Williams, Zoning Administrator

TITLE: PUBLIC HEARING: Cancellation of a Special Use Permit for a Specific Use for Bar & Lounge (CO-40011/CZ-20024)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Cancellation

SUMMARY:

On September 1, 2004, the County Planning Commission (CPC) voted 6-0 (Commissioner Montano excused) to cancel the Special Use Permit for a Specific Use for Bar & Lounge (CZ-20024). The subject property is located at 12480 North Highway 14, zoned C-1, and contains approximately one acre. The CPC decision was based on seven Findings (Attachment 2).

The request for cancellation was the result of noncompliance with the Conditions of Approval. Specifically, the permit owner failed to obtain a Certificate of Occupancy and a Wastewater Operator's permit, and did not provide an additional off-street parking area for the activity in accordance to the approved site plan. The CPC determined that despite a notification to the owner, as well as a six-month deferral to meet the Conditions of approval, the site lacked compliance with the provisions of the Zoning Ordinance and the Special Use Permit.

The Comprehensive Zoning Ordinance of Bernalillo County authorizes cancellation of a Special Use Permit after determination of a continued violation, proper notification to the property owner, and holding of a public hearing. For the appeal, the permit property owner has indicated that the steps necessary to correct the deficiencies will be taken in order to rectify the noted violations. Subsequent inspections have revealed that, with the exception of a Certificate of Occupancy, all necessary requirements have been met for the permit.

ATTACHMENTS:

1. Appeal application
2. County Planning Commission Notice of Decision (September 3, 2004)
3. County Planning Commission Packet (September 1, 2004, hearing)
4. Material presented in support of cancellation (October 15, 2004)

STAFF ANALYSIS SUMMARY:

Zoning/Building/Planning/Environmental Health:

Staff recommends granting the appeal, as the methods necessary for compliance have been taken and the appellant only lacks the required Certificate of Occupancy, which will be awarded upon approval of the BCC